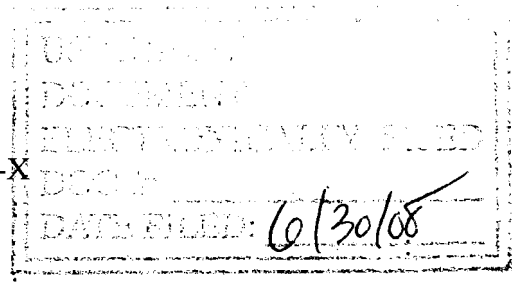


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



THOMAS JERMYN,

Plaintiff,

: 08 Civ. 214 (CM) (DF)

-against-

: **ORDER**

BEST BUY CO., INC.,

:

Defendant.

:

-----X  
**DEBRA FREEMAN, United States Magistrate Judge:**

The Court having held a telephonic conference with counsel for the parties on June 27, 2008, to address a dispute between the parties regarding outstanding discovery purportedly related to class certification issues; and plaintiff Thomas Jermyn ("Plaintiff") having requested that the Court issue an Order requiring defendant Best Buy Co., Inc. ("Defendant") to produce certain discovery prior to the deadline for Plaintiff's reply submission on its class certification motion; and the Court having considered the parties' arguments; it is hereby ORDERED that, no later than the close of business on July 1, 2008:

1. Defendant shall produce documents concerning the www.bestbuy.com kiosks placed in Defendant's stores, to the extent those documents also refer in any way to Defendant's price-match-guarantee policy.


2. To the extent it is able to locate them after a good faith, diligent search, Defendant shall produce a sample of up to 25 complaints regarding its price-match-guarantee policy (together with Defendant's responses to such complaints, if any), including: (a) all complaints regarding this policy made to Defendant by the New York State Attorney General's

Office, and (b) such further consumer or other complaints as may be selected by Plaintiff from Defendant's previously produced spreadsheet of 5,300 "customer contacts" on this topic.

3. Defendant shall produce a list of any lawsuits filed against it in New York State regarding Defendant's price-match-guarantee policy, stating the names of the parties, the docket number of each action, and the court in which it was filed. To the extent feasible, Defendant shall also produce a copy of the complaint filed in each such action.

Dated: New York, New York  
June 27, 2008

SO ORDERED

  
DEBRA FREEMAN  
United States Magistrate Judge

Copies by facsimile:

Michael L. Braunstein, Esq.  
Kantrowitz, Goldhamer & Graifman, P.C.  
Fax: (201) 307-1066

Jennifer Daugherty, Esq.  
Robins, Kaplan, Miller & Ciresi, L.L.P.  
Fax: (612) 339-4181